

PATENT APPLICATION SERIAL NO. 09/979558

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

11/29/2001 MHGUYEN 00000025 09979558

01 FC:970	890.00 OP
02 FC:964	168.00 OP
03 FC:968	280.00 OP

PTO-1556  
(5/87)

\*U.S. GPO: 2000-468-987/39595

FORM PTO-1390  
REV. 2/01T

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

04853.0082

U.S. APPLICATION NO.  
(If known, see 37CFR1.5)

**09/979558**

INTERNATIONAL APPLICATION NO. PCT/JP00/03372	INTERNATIONAL FILING DATE May 25, 2000	PRIORITY DATE CLAIMED May 25, 1999
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**TITLE OF INVENTION**

**NOVEL PSYCHROTROPHIC BACTERIUM AND DNA PROBE FOR DETECTING THE BACTERIUM**

**APPLICANT(S) FOR DO/EO/US**

**Akihiko MARUYAMA, Keiko KITAMURA, and Ryuichiro KURANE**

Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☒ Other items or information:
  - a. ☒ Copy of cover page of International Publication No. WO 00/71705
  - b. ☒ Sequence Listing Statement with Sequence Listing (6 sheets)
  - c. ☒ Deposit of Microorganisms (Accession Number: FERM-BP-7106) and translation (2 sheets)
  - d. ☒ Receipt of Original Deposit (Accession Number: FERM-BP-7106) and translation (2 sheets)
  - e. ☒ Statement Regarding Identity of Written Sequence Listing in computer-readable form

U.S. APPLICATION NO. (If known, see 37CFR 1.5)

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INTERNATIONAL APPLICATION NO.  
PCT/JP00/03372

JUL 2000 PCT/PTO 2-3 NOV 2000

ATTORNEY'S DOCKET  
NUMBER  
04853 008221. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... **\$1040.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... **\$890.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... **\$740.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$710.00**

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$890.00

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (c)).

☐ 20 ☐ 30

\$

**CLAIMS****NUMBER FILED****NUMBER EXTRA****RATE**

Total Claims 11

- 20 =

x \$18.00

\$

Independent Claims 5

- 3 =

2

x \$84.00

\$168.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+ \$280.00

\$280.00

**TOTAL OF THE ABOVE CALCULATIONS =**

\$1338.00

☐ Applicant claims small entity status. Sec 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$

**SUBTOTAL =**

\$1338.00

Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)).

☐ 20 ☐ 30

\$

**TOTAL NATIONAL FEE =**

1338.00

Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00** per property.

\$

**TOTAL FEES ENCLOSED =**

\$1338.00

Amount to be refunded:

\$

charged:

\$

a. ☒ A check in the amount of \$ 1338.00 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0916. A duplicate copy of this sheet is enclosed.d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.  
1300 I Street, N.W.  
Washington, D.C. 20005-3315

SIGNATURE

Ernest F. Chapman/25,961

NAME/REGISTRATION NO.

DATED: November 23, 2001

JCTO Recd PTO 23 NOV 2001

09/979558

(Translation)

## INTERNATIONAL FORM

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
identified at the bottom of this page.

## TO DEPOSITOR:

Name: Dr. Shinichi OHASHI, Director-General of National Institute of  
Bioscience and Human-Technology Agency of Industrial Science and Technology  
Address: 1-3, Higashi 1-chome, Tsukuba-shi, Ibaraki 305-8566 Japan

<b>I. IDENTIFICATION OF MICROORGANISM</b>	
Identification Reference Given by the Depositor: P2K6	Accession Number: FERM BP-7106
<b>II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION</b>	
The microorganism identified under I above was accompanied by a document stating the following item(s).  <input checked="" type="checkbox"/> A Scientific Property <input checked="" type="checkbox"/> Taxonomic Position	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under I above, which was received on May 21, 1999. (date of the original deposit)	
<b>IV. RECEIPT OF REQUEST FOR TRANSFER</b>	
This International Depositary Authority received the microorganism under I above on May 21, 1999 (date of the original deposit), and received on March 28, 2000, a request for transfer from the original deposit to the deposit under the Budapest treaty. (Transferred from P-17393 deposited on May 21, 1999.)	
<b>V. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
Name: National Institute of Bioscience and Human-Technology Agency of Industrial Science and Technology  Representative: <u>Shinichi OHASHI</u> (sealed) Dr. Shinichi OHASHI Director-General  Address: 1-3, Higashi 1-Chome, Tsukuba-shi, Ibaraki-ken 305-8566 Japan  Date: March 29, 2000	